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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,534	03/19/2001	Masahiro Machida	108973	6709

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EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/810,534

Applicant(s)

MACHIDA ET AL.

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3 - 7, and 9 - 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 7, and 9 - 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is responsive to Amendment, filed 10/04/04.

Claims 1, 3 – 7, and 9 – 22 are pending in this application. Claims 1, 7, 13, 14, 16, 18, 20, and 22 are independent claims. In the Amendment A claims 1, 7, 13, 14, 16, 18, 20, and 22 were amended.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is directed to non-statutory subject matter because the claims consist of only computer programs that are nonfunctional descriptive material. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Id. When non-functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) However, in claim 1 the computer programs is not

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recorded on any computer-readable medium therefore these claims are directed to non-statutory matter.

***Claim Rejections - 35 USC § 103***

Claims 1, 3 – 7, 9 – 14, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Patent No. 6,661,437 in view of Berman, U.S. Patent 5,845,124.

As per claim 1, Miller teaches an operating method for sequentially performing settings for plural items in predetermined order, comprising the steps of:

sequentially displaying plural setting frames provided to the plural items, respectively;  
and

displaying all the plural items in a single display when one of the plural setting frames is displayed, (see Miller, figure 9, items 910, 915, and 920 and column 7, lines 44 – 55) wherein items which have already been set along with their set parameter and items which are being set are displayed so as to be distinguishable from each other (see Miller, column 5, lines 20 – 25).

Miller does not teach wherein items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another.

Berman teaches wherein items which have been already set, items which are being set, and items which have not yet been set are displayed so as to be distinguishable from one another (see Berman, column 8, lines 1 – 13; it is inherent that items which have not yet been defined are displayed as regular lines if there are three different contrasting shades, and items which are currently being defined are depicted with solid bold lines and items which have been previously defined are depicted with dotted bold lines). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Berman with the method of Miller in order to provide a distinction that is easily recognized by the user.

As per claim 3, which is dependent on claim 1, Miller and Berman teach the method of claim 1 (see rejection above). Miller further teaches the operation method as claimed in claim 1, wherein values which have been set are displayed for the items which have been already set (see Miller, figure 9, item 915 and column 7, lines 44 – 55).

As per claim 4, which is dependent on claim 1, Miller and Berman teach the method of claim 1 (see rejection above). Miller further teaches the operating method as claimed in claim 1, wherein an operation of displaying a setting frame for an item which has been already set is allowed to be carried out when one of the plural setting frames is displayed (see Miller, figure 9, item 915 and column 7, lines 44 – 55).

As per claim 5, which is dependent on claim 4, Miller and Berman teach the method of

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claim 4 (see rejection above). Miller further teaches the operating method as claimed in claim 4, wherein the setting frame for the item which has been already set is displayed, the setting for the item is carried out, and the setting frame being displayed is automatically restored to a previous setting frame which is displayed just before the setting frame for the item which has been already set is displayed (see Miller, figure 9, items 910, 915, and 920, and column 7, lines 44 – 55; it is inherent that the current setting frame will be displayed as the setting frames for previously selected settings after it is set).

As per claim 6, which is dependent on claim 5, Miller and Berman teach the method of claim 5 (see rejection above). Miller further teaches the operating method as claimed in claim 5, wherein when the setting frame is restored to the previous setting frame, a state which has been just previously set is maintained (see Miller, figure 9, items 910, 915, and 920, and column 7, lines 44 – 55; it is inherent that the state that is set is maintained if the state is displayed in the previously set frames which were set in the sequence prior to the setting frame currently being displayed).

As per claims 7 and 9 – 12, they are of similar scope to claims 1 and 3 – 6 respectively, and are rejected under the same rationale.

As per claim 13, it is of similar scope to claim 1 and is rejected under the same rationale as claim 1 (see rejection above).

As per claim 14, Miller teaches an operating method for sequentially performing settings for plural items in predetermined order to perform settings for a processor, the method comprising the steps of:

carrying out a processing operation of the processor on the basis of the contents set for the plural items (see Miller, column 3, lines 20 – 23);

displaying all the plural items in a single display (see Miller, figure 9, items 910, 915, and 920 and column 7, lines 44 – 55) wherein items which have been already set along with their set parameter and items which are being set along with parameters to chooses from are displayed so as to be distinguishable from one another (see Miller, column 5, lines 20 – 25);

and maintaining the contents set for the plural items (see Miller, column 3, lines 6 – 7).

Miller does not teach displaying items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another. Berman teaches displaying items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another (see Berman, column 8, lines 1 – 13; it is inherent that items which have not yet been defined are displayed as regular lines if there are three different contrasting shades, and items which are currently being defined are depicted with solid bold lines and items which have been previously defined are depicted with dotted bold lines). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Berman with the method of Miller in order to provide a distinction that is easily recognized by the user.

As per claim 18, Miller teaches an operating device for sequentially performing settings for plural items in predetermined order to perform settings for a processor, the device comprising:

a holding unit that holds contents set for the plural items after the processing operation of the processor is carried out on the basis of the contents set for the plural items (see Miller, column 4, lines 53 – 67); and

a single display wherein all of the items which have been already set along with their set parameter and which are being set are displayed so as to be distinguishable from one another (see Miller, figure 9, column 5, lines 20 – 25, and column 7, lines 44 – 55).

Miller does not teach a single display wherein all of the items which have been already set, which are being set and which have not yet been set are displayed so as to be distinguishable from one another. Berman teaches a single display wherein all of the items which have been already set, which are being set and which have not yet been set are displayed so as to be distinguishable from one another (see Berman, column 8, lines 1 – 13; it is inherent that items which have not yet been defined are displayed as regular lines if there are three different contrasting shades, and items which are currently being defined are depicted with solid bold lines and items which have been previously defined are depicted with dotted bold lines). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Berman with the method of Miller in order to provide a distinction that is easily recognized by the user.

As per claim 22, it is of similar scope to claim 18 and is rejected under the same rationale



as claim 18 (see rejection above).

Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Patent No. 6,661,437 in view of Berman, U.S. Patent 5,845,124, further in view of Shiels, U.S. Patent 5,751,953.

As per claim 15, Miller and Berman teach the method of claim 15 (see rejection above). Miller and Berman do not teach the operating method as claimed in claim 14, wherein after the processing operation of the processor is executed, an instruction can be provided as to whether the contents set for the plural items are maintained or the contents set are cleared.

Shiels teaches wherein after a processing operation of the processor is executed, an instruction can be provided as to whether the contents set for the plural items are maintained or the contents set are cleared (see Shiels, column 7, lines 32 – 35). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Shiels with the method of Miller and Berman in order to allow a user to save or discard settings set for a particular process.

As per claim 19, it is of similar scope to claim 15 and is rejected under the same rationale as claim 15 (see rejection above).

Claims 16, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al., U.S. Patent No. 6,067,084 in view of Miller et al., U.S. Patent No. 6,661,437.

As per claim 16, Fado teaches an operating method for sequentially performing settings for plural items in predetermined order to perform the setting for a processor, the method comprising:

enabling provision of instruction for all the settings for the plural items to be initial settings (see Fado, column 7, lines 33 – 42; the examiner interprets microphone and mixer controls as plural items).

Fado does not teach enabling provision by a user. Miller teaches enabling provision by a user of modifying settings for a processor (see Miller, column 1, lines 32 – 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the method of Fado in order to provide increased user control over system settings.

As per claim 17, which is dependent on claim 16, Fado and Miller teach the method of claim 16 (see rejection above). Fado further teaches the operating method as claimed in claim 16, wherein the instruction is provided on an initial frame (see Fado, column 7, lines 33 – 42).

As per claim 20, it is of similar scope to claim 16 and is rejected under the same rationale as claim 16 (see rejection above).

As per claim 21, which is dependent on claim 20, it is of similar scope to claim 17 and rejected under the same rationale as claim 17.

***Response to Argument***

Applicant's arguments filed on 10/04/04 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

1) Berman and Miller both fail to teach that item<sup>3</sup><sub>A</sub> which are being set and items which have not yet been yet been set are display<sup>ed</sup><sub>A</sub> so as to be distinguishable from one another. KL

1) Examiner agrees that Miller failed to teach this feature. However, examiner believes Berman teach<sup>es</sup><sub>A</sub> this feature. (col. 8, lines 1-13) In fact, applicant agreed that Berman discloses being able to distinguish previously defined fields from fields to be defined in a display screen. (page 8 of Applicant's argument section) If Berman is able to distinguish previously defined fields from fields to be defined in a display screen, Berman must also<sup>be</sup><sub>A</sub> able to show which fields are defined. Therefore applicant's contention that Berman fails to teach or suggest showing what are the defined fields is illogical and incorrect.

2) Berman and Miller fail to teach display all of the plural items in a single display.

2) Examiner disagrees. During patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner

reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)

In this case, the claims recite, "displaying all of the plural items in a single display." Miller teaches this limitation because all the adjustable settings are displayed in figure 2.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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